

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

RANDY MCCLENDON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:19-cv-00057-LCB-HNJ
)	
HANSER WHITFIELD, Lt., et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

The magistrate judge filed a report on January 29, 2020, recommending the defendants' special report be treated as a motion for summary judgment and further recommending that the motion be granted as to the plaintiff's deliberate indifference to his serious mental health needs claim against defendants Estes, Whitfield, and Donaldson. (Doc. 21). The magistrate judge also recommended the motion be denied as to the plaintiff's excessive force claim against defendants Whitfield and Donaldson. Although the parties were advised of their right to file specific written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED**, and the recommendation is **ACCEPTED**. Accordingly, the Court **ORDERS** that the motion for summary judgment is **GRANTED** as to the

plaintiff's deliberate indifference to his serious mental health needs claim against defendants Estes, Whitfield, and Donaldson, the Court finding no genuine issues of material fact exist. The Court **FURTHER ORDERS** that the motion for summary judgment is **DENIED** as to the plaintiff's excessive force claim against defendants Whitfield and Donaldson. This matter is **REFERRED** to the magistrate judge for further proceedings as to the remaining claim.

DONE and **ORDERED** March 10, 2020.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE